

# ISOLATED DETERMINATION INFORMATION SHEET

(To be included with file copy when isolated wetlands/waters on site)

## INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Wilmington  
FILE NUMBER: 200520389

CE-SAW

REGULATORY PROJECT MANAGER: Burdette Date: \_\_\_\_\_  
PROJECT REVIEW/DETERMINATION COMPLETED: In the office    (Y/N) Date: \_\_\_\_\_  
At the project site Y (Y/N) Date: 11/30/04

### PROJECT LOCATION INFORMATION:

State: North Carolina  
County: Wake  
Center coordinates of site by latitude & longitudinal coordinates: N. 35.8437943 W.78.6001782  
Approximate size of site/property (including uplands & in acres): 15 acres  
Name of waterway or watershed: Marsh Creek

### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary    Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The property contains an isolated stream channel that exhibits an Ordinary High Water Mark as indicated by changes in soil character and absence or terrestrial vegetation, but is not hydrologically connected to Marsh Creek, which is a tributary to the Neuse River. This stream channel is located approximately 85 feet up slope from the jurisdictional wetland present on the property.